

Adam E. Polk (SBN 273000)
Simon Grille (SBN 294914)
Trevor T. Tan (SBN 281045)
Reid Gaa (SBN 330141)
GIRARD SHARP LLP
601 California Street, Suite 1400
San Francisco, CA 94108
Telephone: (415) 981-4800
Facsimile: (415) 981-4846
apolk@girardsharp.com
sgrille@girardsharp.com
ttan@girardsharp.com
rgaa@girardsharp.com

Attorneys for Plaintiffs

**UNITED STATES DISTRICT COURT
NORTHERN DISTRICT OF CALIFORNIA
SAN FRANCISCO DIVISION**

BRAYDEN STARK and JUDD OOSTYEN, on
behalf of themselves and all others similarly
situated,

Plaintiffs,

v.

PATREON, INC.,

Defendant.

Case No. 3:22-cv-03131-JCS

**DECLARATION OF SIMON S. GRILLE IN
SUPPORT OF PLAINTIFFS'
ADMINISTRATIVE MOTION TO
CONSIDER WHETHER CASES SHOULD
BE RELATED**

Civil L.R. 3-12, 7-11

Judge: Hon. Joseph C. Spero

1 I, Simon S. Grille, declare as follows:

2 1. I am a partner with the law firm Girard Sharp LLP and counsel for Plaintiffs in *Stark et*
3 *al. v. Patreon, Inc.*, 3:22-cv-03131-JCS (filed May 27, 2022) (“*Patreon*”) and *Stark et al. v. Meta*
4 *Platforms, Inc.*, 3:23-mc-80326-SK (filed December 13, 2023) (“*Stark*”). I make this declaration based
5 on personal knowledge. If called to do so, I could and would testify to the matters stated herein.

6 2. I submit this declaration in support of Plaintiffs’ administrative motion under Civil Local
7 Rule 3-12 to consider whether *Patreon, Stark*, and *Bloom et al. v. Meta Platforms, Inc.*, 4:23-mc-80319-
8 DMR (filed December 6, 2023) (“*Bloom*”), should be related pursuant to Civil Local Rule 3-12.

9 3. *Patreon* is currently assigned to Magistrate Judge Spero. *Stark* is currently assigned to
10 Magistrate Judge Kim. *Bloom* is currently assigned to Chief Magistrate Judge Ryu.

11 4. *Patreon* and *Stark* have the same plaintiffs—Brayden Stark and Judd Oostyen—and
12 *Stark* is an enforcement action to compel compliance with a subpoena issued to Meta Platforms, Inc.
13 (“Meta”) in *Patreon*.

14 5. *Bloom* is also an enforcement action to compel compliance with a subpoena issued to
15 Meta.

16 6. The *Stark* and *Bloom* enforcement actions arise from a common course of conduct by a
17 single adverse party—Meta.

18 7. The *Patreon* action asserts a claim against Patreon, Inc. under the Video Privacy
19 Protection Act (“VPPA”), 18 U.S.C. § 2710, and alleges that Patreon programmed a tracking tool called
20 the Meta Pixel (“Pixel”) onto its website to send information to Meta about Patreon’s subscribers. The
21 underlying *Bloom* action—*Bloom v. Zuffa, LLC*, No. 2:22-cv-00412-RFB-BNW (D. Nev.) (“*Zuffa*”)—
22 brings substantially similar allegations against Zuffa.

23 8. The *Patreon* Plaintiffs issued a subpoena to Meta on February 1, 2023, seeking
24 production of documents and deposition testimony from Meta related to the Pixel. The *Zuffa* plaintiffs
25 issued a similar subpoena to Meta on December 15, 2022, for production of documents and deposition
26 testimony related to the Pixel. On December 6, 2023, the *Zuffa* plaintiffs filed the *Bloom* enforcement
27 action to compel Meta to provide deposition testimony. On December 13, 2023, the *Patreon* Plaintiffs
28

1 filed the *Stark* enforcement action to compel Meta's compliance with their subpoena for documents and
2 deposition testimony.

3 9. *Patreon, Stark, and Bloom* appear related within the meaning of Civil Local Rule 3-12.
4 Treatment of these actions as related is likely to serve the interests of judicial economy and avoid the
5 potential for conflicting results.

6 10. I have conferred with counsel for the plaintiffs in *Bloom*, who consent to relatedness and
7 concurs in the filing of this motion.

8 11. I have conferred with counsel for Meta, who represented that it does not oppose the
9 motion to relate the cases, although it disagrees with plaintiffs' statement that it has refused to comply
10 with the subpoenas.

11 12. On December 15, 2023, Plaintiffs advised counsel for Patreon, Inc. of Plaintiffs' intent to
12 file the accompanying Administrative Motion to Consider Whether Cases Should Be Related and
13 requested Patreon's position. Patreon's counsel has not responded.

14 I declare under penalty of perjury under the laws of the United States that the foregoing is
15 true and correct. Executed this 21st day of December 2023 in San Francisco, California.

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17 By: /s/ Simon S. Grille

18 Simon S. Grille
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CERTIFICATION OF SERVICE

I hereby certify that on December 21, 2023, I electronically filed the foregoing document using CM/ECF system which will send notification of such filing to all counsel of record registered in the CM/ECF system.

I also certify that the foregoing document was served *via electronic mail* on the following:

Seth A. Safier
Anthony J. Patek
GUTRIDE SAFIER LLP
100 Pine Street, Suite 1250
San Francisco, CA 94111
Telephone: (415) 639-9090
Facsimile: (415) 449-6469
Email: seth@gutridesafier.com
Email: anthony@gutridesafier.com

*Counsel for Plaintiffs Everett Bloom, Jack
Graham, and Dave Lindholm*

Laurie Edelstein
John L. Flynn
Jonathan Alexander Langlinais
Paige E. Zielinski
Hayley L. MacMillen
JENNER & BLOCK LLP
455 Market Street, Suite 2100
San Francisco, CA 94105-2453
Telephone: (415) 293-5943
Email: ledelstein@jenner.com
Email: JFlynn@jenner.com
Email: JALanglinais@jenner.com
Email: PZielinski@jenner.com
Email: HMacMillen@jenner.com

Counsel for Meta Platforms, Inc.

Fred Norton
Nathan Walker
Bree Hann
Gil Walton
THE NORTON LAW FIRM PC
299 Third Street, Suite 200
Oakland, CA 94607
Telephone: (510) 906-4900
Email: fnorton@nortonlaw.com
Email: nwalker@nortonlaw.com
Email: bhann@nortonlaw.com
Email: gwalton@nortonlaw.com

Counsel for Patreon, Inc.

/s Simon S. Grille

Simon S. Grille